

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE BOARD OF MANAGERS OF TRUMP TOWER
AT CITY CENTER CONDOMINIUM, by its President,
Alan Neiditch,

Plaintiff,

v.

FRANK PALAZZOLO, MARY PALAZZOLO,
STEPHEN TOBIA, STEPHEN REITANO, JOSEPH
SANTANGELO, LORRAINE DISTEFANO, GINA
THOMAS, LORI OVERTON, F & M FUNDING LLC,
RLA HOLDINGS, LLC, PREMIUM STAFFING LLC,
PREMIUM PARKING, LLC, ANTOINETTE CITY
CENTER, LLC, RIDGEVIEW HOLDINGS LLC, B.A.B.
GROUP I, LLC, B.A.B. GROUP, II, LLC, FIRST
RESOURCE FUNDING LLC, and REDA, ROMANO &
COMPANY, L.L.P.

Defendants.

Docket No.: 16-cv-9188 (KMK)

DECLARATION OF
ADAM B. OPPENHEIM
IN SUPPORT OF MOTION TO
DISMISS COUNTERCLAIMS
AND STRIKE AFFIRMATIVE
DEFENSES

ADAM B. OPPENHEIM, under the penalties of perjury, declares:

1. I am an attorney in the law firm of Meister Seelig & Fein LLP, attorneys for Plaintiff Board of Managers of Trump Tower at City Center Condominium in the above-captioned action. As such, I have personal knowledge of the facts and circumstances detailed below.

2. I respectfully submit this Declaration in support Plaintiff Board of Managers of Trump Tower at City Center Condominium's motion to dismiss the counterclaims asserted by Defendant Frank Palazzolo pursuant to FRCP 12(b)(6), and striking as improper affirmative defenses 10–29 from the answer of Defendants Palazzolo, Mary Palazzolo, F&M Funding LLC, Ridgeview Holdings LLC, B.A.B. Group I, LLC, and B.A.B. Group II, LLC pursuant to FRCP 12(f).

3. Attached hereto as **Exhibit A** is a true and correct copy of the Condominium's By-Laws.

4. Attached hereto as **Exhibit B** are true and correct copies of the minutes of Board meetings taking place in June and July of 2009.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 16, 2017

/s/ Adam. B. Oppenheim

Adam B. Oppenheim, Esq.